

Michigan Department of Civil Service

REGULATION

Appointing Authority Letter Reference: CS-6897	Effective Date: April 25, 1999 <u>August 20, 2000</u>	Index Reference: Frozen Restrictions, Position, Classification, Merit Pay	Regulation Number: 4.10
Issuing Bureau: Human Resource Services	Rule Reference: Rules <u>1-3</u> 4-1.1, 4-1.2, 4-1.4, 4-1.6 , and 4-2.1a		Replaces: Reg. 4.10 (CS-6828, April 20, 1997) <u>April 25, 1999</u>
Subject: <u>FROZEN CLASSIFICATIONS AND POSITIONS,</u> CLASS, AND MERIT PAY <u>RESTRICTIONS</u>			

AUTHORITY

The Michigan Constitution of 1963, Article XI, Section 5, states in part:

The commission shall classify all positions in the classified service according to their respective duties and responsibilities . . . make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

1. PURPOSE

The purpose of this regulation is to define ~~the various types of restrictions~~frozen position actions and to establish the standards, criteria, and procedures for ~~placing and removing position, class, and merit pay restrictions~~such actions.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

~~Chapter 4 of the Michigan Civil Service Commission Rules provides the basis for position establishment and classification for all positions in the state's classified service.~~

A. Rule 1-3 Regulations --- The state personnel director is authorized to issue regulations that the director deems to be necessary or useful. A regulation issued by the state personnel director shall be binding on the department of civil service unless the commission finds the regulation violates a rule. The state personnel director shall make all regulations available to employees through their personnel offices and the internet.

B. Rule 4-1.1 Requirement. — All positions must be established in the classified

service ~~unless~~~~except~~ where specifically exempted or excepted by article 11, section 5, of the constitution, or ~~by~~ these rules.

C. Rule 4-1.2 Classification~~Allocation~~. — ~~All positions~~ established in the classified service ~~must~~~~shall~~ be reviewed to classify the position properly. ~~for purposes of determining their appropriate allocations.~~

D. Rule 4-1.4 Classification Plan. — The commission shall authorize an official classification plan for all positions in the classified service, ~~which shall be administered by~~ ~~the~~ department of civil service shall administer the official classification plan. . . .

~~**Rule 4-1.6 Regulations.** — The state personnel director shall issue any regulations necessary to implement the provisions of this chapter.~~

E. Rule 4-2.1 Position ~~Classification~~~~Allocation~~ Review. — The department of civil service ~~shall~~~~will~~ provide for both a periodic and ongoing review of positions in the classified service ~~for the purpose of reviewing the allocations of positions~~ to ensure ~~positions~~~~they~~ continue to be properly classified.

(a) **Position review.** An appointing authority shall give notice to the department of civil service of material changes in the duties and responsibilities that may impact the proper classification of a position. If the appointing authority does not notify the department of civil service of material changes, the employee occupying the position may initiate a position review by filing an updated position description and a written request with the department of civil service. . . .

3. DEFINITIONS

A. Additional Defintion(s) as used in this regulation.

1. Frozen C~~lassifications~~~~restrictions~~ are used to identify classes that have been determined to become obsolete; e.g. Griffen-Hagen System classes, Benchmark System classes, and selected Equitable Classification Plan classes that have been deemed no longer viable~~are no longer a part of the official Equitable Classification Plan (ECP).~~ All positions in such ~~a~~ classes are automatically ~~frozen~~~~restricted~~. An “FA” in the Human Resources Management Network (HRMN)~~Personnel Payroll Information System of Michigan (PPRISM)~~ designates the freeze action~~class restriction~~. ~~No appointment can be made to a position that has an A-code. Class restrictions cannot be appealed.~~

~~Merit Pay Restrictions are used to identify specific positions in the Senior Executive Service (SES), Senior Executive Management Assistant Service (SEMAS), ECP Group Four, and classifications in ECP Groups One, Two, and Three that are included in a pay for performance system. This type of restriction does not denote an improperly allocated position or classification. This restriction is used to prevent the inadvertent processing of transactions in the absence of the appropriate documentation, such as performance appraisal and employment agreement forms. An "M" in PPRISM designates the merit system restriction, and only the Bureau of Human Resource Services (Bureau) can authorize its bypass. No appointment can be made to a position that has an M-code without Bureau authorization.~~

2. Individual Position Freezes. ~~Freeze actions on individual positions~~ Individual position restrictions are used to identify employees in specific positions with duties and responsibilities that are no longer proper for the current classification. ~~A is placed on a staffed position to identify for the appointing authority an improperly classified position. The freeze position restriction prevents the appointing authority from refilling the position until it has been reviewed and the proper classification has been determined. An freeze action is designated by an "FR" in the HRMN~~ PPRISM designates a position restriction. No appointment can be made to a position that has an R-code. ~~Position restrictions cannot be appealed.~~

Please refer to the *ECP Glossary of Terminology* for additional definitions.

4. STANDARDS

~~4.A. The Department of Civil Service Bureau will not approve the establishment of an improperly classified allocated position, a restricted position, or a position in a restricted classification.~~

~~B. Appointing authorities shall give notice to the Department of Civil Service of material changes in the duties and responsibilities that may impact the proper classification of a position such that it should be frozen.~~

~~2.C.~~ At the time the ~~Department of Civil Service Bureau~~ issues a classification action to ~~freeze restrict~~ a position, the proper classification will be identified on the Position Action ~~Response Request~~ (CS-129A) form.

~~3.D.~~ The ~~employee incumbent~~ cannot appeal a ~~freeze action~~ restriction on the position unless the incumbent can identify a negative impact to examination qualifications, employment preference rights, longevity, compensation, or other conditions of employment.

~~4.E.~~ A ~~freeze restriction~~ on a position in a preauthorized or preauthorizable class series (entry/trainee or intermediate level through experienced level) will

~~not~~ preclude ~~reclassification~~~~reallocation~~ to ~~any higher~~~~the experienced~~ level in the class series for the current ~~employee~~~~incumbent~~. ~~The restriction will continue.~~

~~5.F.~~ ~~Freeze actions~~~~Restrictions~~ are ~~employee and~~ position-specific and are ~~only~~~~not~~ transferable ~~to another position~~ when ~~approved by the Department of Civil Service; e.g. the employee in the frozen position is assigned comparable or higher level work.~~~~an employee in a restricted position moves to a properly classified position.~~

~~6.G.~~ A vacant, ~~frozen~~~~restricted~~ position must be reviewed and properly ~~re~~classified before an appointment can be made to the position.

~~7.H.~~ An occupied ~~frozen~~~~restricted~~ position can be ~~reclassified~~~~reallocated~~ to the proper classification, if there is no negative impact to the current ~~employee's~~~~incumbent's~~ compensation or a violation of *Michigan Civil Service Commission Rules* or *Civil Service Regulations*.

~~8.I.~~ ~~Frozen~~~~Restricted~~ positions are not exempted from reduction-in-force (RIF) actions. A ~~frozen~~~~restricted~~ position (both bargaining unit included and excluded) must be ~~classified~~~~allocated~~, after it has been vacated, in the proper classification for the application of employment preference ~~in accordance with Civil Service Regulation 2.10, Implementing A Reduction In Force For Non-Exclusively Represented Employees.~~

~~NOTE: Red-circled pay should not be confused with a class or a position restriction. Red-circled pay is placed on an incumbent's assigned rate of pay. A class or a position restriction is placed on the position and not the incumbent. The incumbent in the restricted position continues to receive the pay assigned to the restricted classification. Red-circled pay is defined in the State of Michigan, Department of Civil Service Compensation Plan.~~

5. PROCEDURES

A. PLACING A FREEZE~~THE R-CODE ON~~ A POSITION

Responsibility

Department of Civil
ServiceBureau

Action

1. Receives information that an employee in a position is no longer assigned duties and responsibilities commensurate with the classification.

Bureau (Cont.)

Appointing Authority

2. Prepares a Position Action ~~Request~~Response (CS-129~~A~~) form to assign a unique position code and place ~~an~~ freeze F-code~~R-code~~ on the position, with an explanation and identification of the proper classification.
3. Enters the necessary transactions in the Human Resources Management Network (HRMN)~~Personnel Payroll Information System of Michigan (PPRISM).~~
4. Releases the Position Action Request~~Response~~—(CS-129~~A~~) form.
5. Receives the Position Action ~~Request~~Response form and verifies~~enters~~ the information in the HRMN~~PPRISM~~.
6. Informs agency/autonomous entity management and the employee~~incumbent~~.

2. REMOVING THE R-CODE ON A POSITION

Responsibility

Action

Appointing Authority

1. ~~To properly classify a restricted position, submits a Position Action Request form and an updated Position Description (CS-214) form.~~

Bureau

2. ~~Reviews the request. Either:~~
 - a. ~~Reallocates the position to the appropriate current classification.~~
 - Or
 - b. ~~Removes the restriction because the position's assigned duties are now appropriate for the classification.~~
 - Or
 - c. ~~Maintains restriction as proper.~~

3. ~~Enters the necessary information in PPRISM, removing the R-code.~~

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|----------------------|---|
| Bureau | 4. Releases the Position Action Response form. |
| Appointing Authority | 5. Receives the completed Position Action Response form and matches the information in PPRISM. |
| | 6. Informs agency management and the incumbent of the classification action. |

3.REMOVING THE M-CODE ON A POSITION

- | <u>Responsibility</u> | <u>Action</u> |
|-----------------------|--|
| Appointing Authority | 1. —1. — Submits the appropriate documentation for appointment to an SES, SEMAS, ECP Group 4, or other pay for performance position, i.e., Performance Appraisal Form (CS-1719) and Employment Agreement forms to the Bureau for review. |
| Bureau | 2. Reviews the appointing authority's documentation for the appointment.
3. Temporarily bypasses the M-code restriction in PPRISM to allow the appointment.
4. Processes the appointment. The Merit Pay restriction will automatically be replaced on all ECP Group 4 positions after an appointment has been made. |
| Appointing Authority | 5. Receives appointment documentation completed by the Bureau and completes the appointment process. |

CONTACT

Questions regarding this regulation should be directed to the ~~Bureau of Human Resource Services~~, Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

~~April 25~~August 20, 2000,
~~1999~~

Regulation 4.10: ~~Position, Class, and Merit Pay~~
~~Restrictions~~Frozen Classifications and Positions

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granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.